

FLOOR SCHEDULE FOR WEDNESDAY, MARCH 12, 2014

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	1:30 – 2:00 p.m.	4:30 – 5:30 p.m.

**Members are advised that following last votes, the House is expected to consider general debate and the one amendment to H.R. 3973. Any recorded votes requested will be postponed until tomorrow.

H.Res. 511 – Rule providing for consideration of both **H.R. 4138 – ENFORCE the Law Act of 2014 (Rep. Gowdy – Judiciary)** and **H.R. 3973 – Faithful Execution of the Law Act of 2014 (Rep. DeSantis – Judiciary) (One Hour of Debate)**. The Rules committee has recommended one Rule which provides for consideration of 2 bills.

For H.R. 4138, the Rules committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Judiciary. The Rule allows for 4 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For H.R. 3973, the Rules committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Judiciary. The Rule allows for 1 amendment, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation. **Members are urged to VOTE NO.**

H.R. 4138 – **ENFORCE the Law Act of 2014 (Rep. Gowdy – Judiciary) (One Hour of Debate)**. This bill would establish a procedure by which the House or Senate can sue the President or any employee of the Executive Branch for failure to faithfully execute the laws, prescribed by the "take care" clause in Article II, Section 3 of the Constitution. The bill would permit a lawsuit to be filed when either the House or Senate adopts a resolution declaring that the President or an employee of the Executive Branch has promulgated a rule or policy that refrains from enforcing a provision of federal law. The suit would be able to seek declaratory and "other" relief to compel the President to faithfully execute the law.

The bill would also establish a fast-track process, giving initial jurisdiction of any suit to a three-judge panel of a U.S. District Court. Appeals of any decision by the panel could only be heard by the Supreme Court.

As part of what they are referring to as "Executive Overreach Week," it appears that Republicans have done just that. This bill is driven by blatant political partisanship and would allow for subjective and partisan lawsuits against a President over any executive actions that Members dislike. This bill disrupts the system of checks and balances our nation's founders envisioned, where the legislative branch enacts laws that the executive branch then executes. The legislative branch can then pass further laws or amendments as warranted. It is merely another example of Republicans wasting critical time on messaging bills.

The Rule makes in order 4 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

Conyers Amendment. Excludes from the bill's scope any executive actions taken to combat discrimination or to protect civil rights.

Nadler Amendment. Clarifies that nothing in the act limits or otherwise affects the constitutional authority of the executive branch to exercise prosecutorial discretion.

Jackson-Lee Amendment. Protects the ability of the Executive Branch to comply with judicial decisions interpreting the Constitution or Federal laws.

Cicilline Amendment. Provides for transparent accounting of the costs of litigation, by requiring the Comptroller General of the United States to issue quarterly reports to the House and Senate Judiciary Committees on the costs of civil actions, including any attorney fees, brought pursuant to this Act.

Bill Text for H.R. 4138:

[PDF Version](#)

Background for H.R. 4138:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

Begin Consideration of [H.R. 3973](#) – Faithful Execution of the Law Act of 2014 (Rep. DeSantis – Judiciary) (One Hour of Debate). Under current law, the Attorney General is required to report to Congress any instance when Department of Justice establishes or implements a formal or informal policy to refrain from enforcing, applying, or administering any federal law on the grounds that such provision is unconstitutional.

This bill would expand this reporting requirement, requiring all federal officials to report non-enforcement. Further, it would require these reports to state the the grounds underlying any policy of non-enforcement, beyond just its unconstitutionality.

The bill would create a costly burden on executive branch employees. This bill would significantly impede the President carrying out his Constitutional duties, specifically, the prioritizing of limited resources of the Executive Branch for discretionary enforcement that benefits the nation. This practice has been carried out by previous Presidents and has been consistently upheld by the Supreme Court as being within the President's authority under the "Take Care" clause. This bill is the result of partisan disagreement over how the President has chosen to exercise his enforcement discretion. This bill comes to the Floor as another partisan messaging bill.

The Rule makes in order 1 amendment, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendment is:

Ellison Amendment. Waives reporting requirements provided in the bill if sufficient funds are not available to generate the increased volume of reports.

Bill Text for H.R. 3973:

[PDF Version](#)

Background for H.R. 3973:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, March 13: The House will meet at 12:00 p.m. for legislative business. The House is expected to complete consideration H.R. 3973 – Faithful Execution of the Law Act of 2014 (Rep. DeSantis – Judiciary). The House is also expected to consider [H.R. 3189](#) – Water Rights Protection Act (Rep. Tipton – Natural Resources/Agriculture) (Subject to a Rule).

The Daily Quote

"Powerful physician groups that are Washington's loudest voice for a permanent 'doc fix' are shooting down a Republican effort to link the bill to a delay of ObamaCare's individual mandate... 'The only way this is going to get done if it's done in a bipartisan fashion,' said Christian Shalgian, director of advocacy and health policy for the American College of Surgeons... 'We cannot support linking SGR repeal to changes in current law that will result in fewer people getting health insurance coverage,' said Molly Cooke, president of the American College of Physicians, in a statement on Friday."

- The Hill, 3/9/14